

AMENDED IN SENATE APRIL 24, 2003  
AMENDED IN SENATE MARCH 27, 2003

**SENATE BILL**

**No. 490**

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**Introduced by Senator Alpert**

February 20, 2003

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An act to amend Section 4052 of the Business and Professions Code, relating to pharmacy.

LEGISLATIVE COUNSEL'S DIGEST

SB 490, as amended, Alpert. Pharmacy: prescriptions.

Existing law ~~regulates the practice of pharmacy by, the Pharmacy Law, creates the California State Board of Pharmacy and makes it responsible for regulating the practice of pharmacy.~~ Under ~~existing that~~ law, a pharmacist may not, in general, furnish a dangerous drug except upon the prescription of a physician, dentist, podiatrist, optometrist, or veterinarian. However, existing law authorizes a pharmacist to initiate emergency contraception drug therapy in accordance with standardized protocols developed by the pharmacist and an authorized prescriber acting within his or her scope of practice.

This bill would also authorize a pharmacist to furnish emergency contraception drug therapy in accordance with a standardized procedure or protocol *developed and* approved by both the board and the Medical Board of California, in consultation with specified entities. ~~The bill would require a pharmacist to receive specified training prior to furnishing emergency contraception drug therapy.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 4052 of the Business and Professions Code is amended to read:

4052. (a) Notwithstanding any other provision of law, a pharmacist may:

(1) Furnish a reasonable quantity of compounded medication to a prescriber for office use by the prescriber.

(2) Transmit a valid prescription to another pharmacist.

(3) Administer, orally or topically, drugs and biologicals pursuant to a prescriber's order.

(4) Perform the following procedures or functions in a licensed health care facility in accordance with policies, procedures, or protocols developed by health professionals, including physicians, pharmacists, and registered nurses, with the concurrence of the facility administrator:

(A) Ordering or performing routine drug therapy related patient assessment procedures including temperature, pulse, and respiration.

(B) Ordering drug therapy related laboratory tests.

(C) Administering drugs and biologicals by injection pursuant to a prescriber's order (the administration of immunizations under the supervision of a prescriber may also be performed outside of a licensed health care facility).

(D) Initiating or adjusting the drug regimen of a patient pursuant to an order or authorization made by the patient's prescriber and in accordance with the policies, procedures, or protocols of the licensed health care facility.

(5) (A) Perform the following procedures or functions as part of the care provided by a health care facility, a licensed home health agency, a licensed clinic in which there is a physician oversight, a provider who contracts with a licensed health care service plan with regard to the care or services provided to the enrollees of that health care service plan, or a physician, in accordance, as applicable, with policies, procedures, or protocols of that facility, the home health agency, the licensed clinic, the health care service plan, or that physician, in accordance with subparagraph (C):

1 (i) Ordering or performing routine drug therapy related patient  
2 assessment procedures including temperature, pulse, and  
3 respiration.

4 (ii) Ordering drug therapy related laboratory tests.

5 (iii) Administering drugs and biologicals by injection pursuant  
6 to a prescriber's order (the administration of immunizations under  
7 the supervision of a prescriber may also be performed outside of  
8 a licensed health care facility).

9 (iv) Initiating or adjusting the drug regimen of a patient  
10 pursuant to a specific written order or authorization made by the  
11 patient's prescriber for the individual patient, and in accordance  
12 with the policies, procedures, or protocols of the health care  
13 facility, home health agency, licensed clinic, health care service  
14 plan, or physician. Adjusting the drug regimen does not include  
15 substituting or selecting a different drug, except as authorized by  
16 the protocol. The pharmacist shall provide written notification to  
17 the patient's prescriber, or enter the appropriate information in an  
18 electronic patient record system shared by the prescriber, of any  
19 drug regimen initiated pursuant to this clause within 24 hours.

20 (B) A patient's prescriber may prohibit, by written instruction,  
21 any adjustment or change in the patient's drug regimen by the  
22 pharmacist.

23 (C) The policies, procedures, or protocols referred to in this  
24 paragraph shall be developed by health care professionals,  
25 including physicians, pharmacists, and registered nurses, and, at  
26 a minimum, meet all of the following requirements:

27 (i) Require that the pharmacist function as part of a  
28 multidisciplinary group that includes physicians and direct care  
29 registered nurses. The multidisciplinary group shall determine the  
30 appropriate participation of the pharmacist and the direct care  
31 registered nurse.

32 (ii) Require that the medical records of the patient be available  
33 to both the patient's prescriber and the pharmacist.

34 (iii) Require that the procedures to be performed by the  
35 pharmacist relate to a condition for which the patient has first been  
36 seen by a physician.

37 (iv) Except for procedures or functions provided by a health  
38 care facility, a licensed clinic in which there is physician oversight,  
39 or a provider who contracts with a licensed health care plan with  
40 regard to the care or services provided to the enrollees of that

1 health care service plan, require the procedures to be performed in  
2 accordance with a written, patient-specific protocol approved by  
3 the treating or supervising physician. Any change, adjustment, or  
4 modification of an approved preexisting treatment or drug therapy  
5 shall be provided in writing to the treating or supervising physician  
6 within 24 hours.

7 (6) Manufacture, measure, fit to the patient, or sell and repair  
8 dangerous devices or furnish instructions to the patient or the  
9 patient's representative concerning the use of those devices.

10 (7) Provide consultation to patients and professional  
11 information, including clinical or pharmacological information,  
12 advice, or consultation to other health care professionals.

13 (8) Furnish emergency contraception drug therapy in  
14 accordance with either of the following:

15 (A) Standardized procedures or protocols developed by the  
16 pharmacist and an authorized prescriber who is acting within his  
17 or her scope of practice.

18 ~~(B) A standardized procedure or protocol approved by both the~~  
19 ~~board and Medical Board of California, in consultation with the~~  
20 ~~American College of Obstetricians and Gynecologists, and other~~  
21 ~~appropriate entities. For purposes of a standardized procedure or~~  
22 ~~protocol under this subparagraph, the Medical Board of California~~  
23 ~~shall designate an authorized prescriber who is acting within his~~  
24 ~~or her scope of practice.~~

25 *(B) Standardized procedures or protocols developed and*  
26 *approved by both the board and the Medical Board of California*  
27 *in consultation with the American College of Obstetricians and*  
28 *Gynecologists, the California Pharmacist Association, and other*  
29 *appropriate entities. Both the board and the Medical Board of*  
30 *California shall have authority to ensure compliance with this*  
31 *subparagraph, and both boards are specifically charged with the*  
32 *enforcement of this provision with respect to their respective*  
33 *licensees. Nothing in this subparagraph shall be construed to*  
34 *expand the authority of a pharmacist to prescribe any prescription*  
35 *medication.*

36 (9) Prior to furnishing emergency contraception drug therapy  
37 authorized under paragraph (8), a pharmacist shall receive training  
38 regarding the appropriate use and indications for emergency  
39 contraception.

1 (b) (1) Prior to performing any procedure authorized by  
2 paragraph (4) of subdivision (a), a pharmacist shall have received  
3 appropriate training as prescribed in the policies and procedures  
4 of the licensed health care facility.

5 (2) Prior to performing any procedure authorized by paragraph  
6 (5) of subdivision (a), a pharmacist shall have either (A)  
7 successfully completed clinical residency training or (B)  
8 demonstrated clinical experience in direct patient care delivery.

9 (3) For each emergency contraception drug therapy initiated  
10 pursuant to paragraph (8) of subdivision (a), the pharmacist shall  
11 provide the recipient of the emergency contraception drugs with  
12 a standardized factsheet that includes, but is not limited to, the  
13 indications for use of the drug, the appropriate method for using  
14 the drug, the need for medical followup, and other appropriate  
15 information. The board shall develop this form in consultation  
16 with the State Department of Health Services, the American  
17 College of Obstetricians and Gynecologists, the California  
18 Pharmacists Association, and other health care organizations. The  
19 provisions of this section do not preclude the use of existing  
20 publications developed by nationally recognized medical  
21 organizations.

22 (c) Nothing in this section shall affect the requirements of  
23 existing law relating to maintaining the confidentiality of medical  
24 records.

25 (d) Nothing in this section shall affect the requirements of  
26 existing law relating to the licensing of a health care facility.

